

SUBCHAPTER F : VARIANCE HEARINGS

§86.130. Variance Hearings Pursuant to the Texas Clean Air Act.

Upon the filing of a proper petition, a date for a hearing on the petition shall be set not more than 90 days after the date the petition is filed. Notice of the hearing shall be given as required by the TCAA and the APA. A petition for the variance shall be considered to be in proper form if it identifies the person seeking the variance; identifies the particular rule or provisions of the TCAA from which a variance is sought; identifies the source of air contaminants which are the subject of the petition, including information on the nature and the amount of emissions from the source, if available, and the location of the source; and includes a short and plain statement of the grounds upon which the relief is sought. Forms to assist in the filing of a petition are available upon request, but are not mandatory.

Adopted May 8, 1996
Derived from §275.130

Effective June 6, 1996

§86.131. Time for Filing Petition for Variance.

If a compliance hearing is called to examine the status of a particular source with regard to the TCAA or the rules and regulations of the commission, the source owner or operator must file with the commission a petition for variance before the commencement of the hearing to be entitled to have the commission consider the right to a variance with regard to the particular provisions of the TCAA or rules or regulations which are the subject of the hearing. Any commission order as a result of such hearing shall be deemed to dispose of the issue of the right to a variance. Any petition for variance filed after the hearing shall be returned to the applicant without action by the staff or the commission, unless the petition demonstrates that circumstances have so changed as to make it just and equitable to reopen the matter.

Adopted May 8, 1996
Derived from §275.131

Effective June 6, 1996

§86.132. Effect of Institution of Civil Suit on Petition for Variance.

If the commission or the executive director, as authorized by the commission, requests institution of a civil suit pursuant to the TCAA, for violation of the TCAA or any commission rule, regulation, variance, or order before the commission takes action on a petition for variance submitted with regard to the violations to be alleged in the suit, the petition for variance shall be returned to the applicant without further action.

Adopted May 8, 1996
Derived from §275.132

Effective June 6, 1996

Adoption of §§86.130-86.132

Date Adopted: May 8, 1996

Date Filed with the Secretary of State: May 16, 1996

Date Published in the *Texas Register*: May 28, 1996

Date Effective: June 6, 1996

Derivation Table
Chapter 86 - Special Provisions for Contested Case Hearings
Subchapter F : Variance Hearings

This table is to be used to track sections after rule revisions. The column on the left should list the sections after the revision. The column on the right should list where the section was prior to the revision.

New Section	Old Section
86.130	275.130
86.131	275.131
86.132	275.132